

HOUSE

AMENDMENT NO. ___

Offered by

of

1 AMEND House Bill No. 448, Page 1, Section A, Line 3, by inserting
2 after all of said line the following:

3 "320.400. As used in sections 320.400 to 320.416, the
4 following terms shall mean:

5 (1) "Certificate of registration", the document issued to a
6 contractor under sections 320.400 to 320.416;

7 (2) "Contractor", an organization that offers to undertake,
8 represents itself as being able to undertake, or does undertake
9 the proposed layout and specifications, planning, installation,
10 or servicing of a fire sprinkler system or any part of such a
11 system for pay;

12 (3) "Fire sprinkler system", a suppression system which
13 requires individual calculation and layout in accordance with
14 nationally recognized standards, such as those of the National
15 Fire Protection Association, to protect the interior or exterior
16 of a specific building, structure, or special hazard from fire by
17 conveying water, with or without other agents, to dispersal
18 openings or devices. Such systems also include any overhead and
19 underground fire mains beginning at the point of service, fire
20 hydrants and hydrant mains, standpipes and hoses connected to
21 sprinkler systems, sprinkler tank heaters, air lines, thermal
22 systems used in connection with fire sprinkler systems, and tanks
23 and pumps connected to fire sprinkler systems;

24 (4) "Inspection", a visual examination of a fire sprinkler
25 system or portion thereof to verify that it appears to be in
26 operating condition and is free of physical damage;

27 (5) "Installation", the initial placement of fire sprinkler
28 equipment or the extension, modification, or alteration of
29 equipment after the initial placement, and includes the

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1 inspection and testing of equipment attendant to the placement or
2 alteration of fire sprinkler equipment;

3 (6) "NICET", National Institute of Certification in
4 Engineering Technologies;

5 (7) "Organization", a corporation, a partnership or other
6 business association, a sole proprietorship, a governmental
7 entity, or any other legal or commercial entity;

8 (8) "Person", a natural person, including an owner,
9 manager, officer, employee, or occupant;

10 (9) "Point of service", the point at which the underground
11 pipng for a sprinkler system using water as the extinguishing
12 agent becomes used exclusively for the sprinkler system;

13 (10) "Registered firm", an organization holding a valid
14 certificate of registration issued under sections 320.400 to
15 320.416;

16 (11) "Service", to inspect, test, or repair fire sprinkler
17 equipment in order to furnish or return the fire sprinkler system
18 to operational condition, and including maintenance contracts;

19 (12) "Special agent fire suppression system", an approved
20 system, and components thereof, which requires individual
21 calculations and layout in accordance with the manufacturer's
22 instructions to determine the flow rates, nozzle pressures,
23 quantities of extinguishing agent, and number and types of
24 nozzles for protecting one or more hazards by suppressing or
25 extinguishing fire. These systems include kitchen hood fire
26 suppression systems, dry chemical systems, carbon dioxide
27 systems, halogenated and gaseous agent systems, foam systems, and
28 wet chemical systems not connected to fire sprinkler systems.
29 Special agent fire suppression systems shall not include a fire
30 sprinkler system.

31 320.402. 1. Any contractor who engages in the installation
32 of fire sprinkler systems or services fire sprinkler systems may
33 register with the state fire marshal for a certificate of
34 registration.

35 2. The provisions of sections 320.400 to 320.416 and the
36 rules and regulations promulgated under sections 320.400 to
37 320.416 shall have uniform force and effect throughout the state.

1 A municipality, county, or any other local governmental body or
2 jurisdiction may enact or enforce registration or licensing
3 requirements, and the registration provisions of sections 320.400
4 to 320.416 shall not supercede them.

5 3. A municipality, county, or any other local governmental
6 body or jurisdiction may require a contractor to obtain a permit
7 and pay a fee for the installation of a fire sprinkler system and
8 require the installation of such system in conformance with the
9 building code or other construction requirements of the
10 municipality, county, or any other local governmental body or
11 jurisdiction.

12 4. Sections 320.400 to 320.416 do not apply to:

13 (1) A person or organization that only sells or supplies
14 products or materials used in fire sprinkler systems;

15 (2) A person or organization who designs, plans, sells,
16 places, or maintains special agent fire suppression systems; or

17 (3) Inspection activities performed by a government
18 official as part of code enforcement activities.

19 5. Nothing in sections 320.400 to 320.416 shall be deemed
20 to limit or restrict the practice of engineering by licensed
21 professional engineers.

22 320.406. 1. The state fire marshal is authorized to
23 promulgate rules and regulations regarding:

24 (1) The content of applications and the procedures for
25 filing an application for an initial or renewal certificate of
26 registration in this state;

27 (2) All applicable fees, set at a level to produce revenue
28 which shall not exceed the cost and expense of administering the
29 provisions of sections 320.400 to 320.416;

30 (3) Establishment of procedures for granting reciprocity
31 with other states.

32 2. Any rule or portion of a rule, as that term is defined
33 in section 536.010 that is created under the authority delegated
34 in this section shall become effective only if it complies with
35 and is subject to all of the provisions of chapter 536 and, if
36 applicable, section 536.028. This section and chapter 536 are
37 nonseverable and if any of the powers vested with the general

1 assembly pursuant to chapter 536 to review, to delay the
2 effective date, or to disapprove and annul a rule are
3 subsequently held unconstitutional, then the grant of rulemaking
4 authority and any rule proposed or adopted after August 28, 2013,
5 shall be invalid and void.

6 320.408. 1. One of the following requirements shall be
7 fulfilled in order to obtain a certificate of registration from
8 the state fire marshal:

9 (1) The applicant shall employ or contract with a
10 professional engineer licensed in the state of Missouri that is
11 disciplined in fire protection; or

12 (2) The applicant shall employ or contract with a person
13 with a NICET Level III General Plans and Hydraulics and Water
14 Supply Planning, or NICET IV certification, or equivalent as
15 approved by the Missouri state fire marshall, in the Water Based
16 System Layout subfield.

17 2. Any person or organization that holds a certificate of
18 registration in this state under sections 320.400 to 320.416 may
19 use the title "certified fire sprinkler contractor". No other
20 person or organization may use the title "certified fire
21 sprinkler contractor". No other person or organization shall
22 assume any title or use any abbreviation or any other words,
23 letters, signs, or devices to indicate that the person or
24 organization using the same is a certified fire sprinkler
25 contractor.

26 3. A certificate of registration shall be valid for a
27 period of two years from the date of issue and is renewable
28 biennially on payment of a fee; provided however, that the
29 initial certificates of registration issued on or after August
30 28, 2013, may be issued for periods of less than two years and
31 the fee shall be prorated proportionally.

32 4. A fee shall be charged by the state fire marshal for any
33 request for a duplicate certificate of registration or any
34 request requiring change to a certificate of registration. The
35 fee shall be set by the fire marshal.

36 5. Each contractor holding itself out as a "certified fire
37 sprinkler contractor" shall display its certificate of

1 registration issued under sections 320.400 to 320.416 in a
2 conspicuous place in the contractor's place of business.

3 6. Plans, bids, proposals, offers, and installation
4 drawings for fire sprinkler systems may display the contractor's
5 certificate of registration number.

6 7. A certificate of registration issued under sections
7 320.400 to 320.416 shall not be transferable.

8 8. There is hereby created in the state treasury the "Fire
9 Sprinkler Contractor Registration Fund", which shall consist of
10 money collected under sections 320.400 to 320.416. The state
11 treasurer shall be custodian of the fund and may approve
12 disbursements from the fund in accordance with sections 30.170
13 and 30.180. Upon appropriation, money in the fund shall be used
14 solely for the administration of sections 320.400 to 320.416.
15 Any money remaining in the fund at the end of the biennium shall
16 revert to the credit of the general revenue fund. The state
17 treasurer shall invest moneys in the fund in the same manner as
18 other funds are invested. Any interest and moneys earned on such
19 investments shall be credited to the fund.

20 320.410. 1. As provided in subsection 3 of section
21 320.408, each renewal of a certificate of registration issued
22 under sections 320.400 to 320.416 is valid for a period of two
23 years. The certificate of registration fee is payable on
24 renewal.

25 2. At least thirty days before the expiration of a
26 certificate of registration, the state fire marshal shall send
27 written notice of the impending certificate of registration
28 expiration to the registrant at the last known address.

29 3. The state fire marshal may, by rule, adopt a system
30 under which certificates of registration expire on various dates
31 during the year. When the certificate of registration expiration
32 date is less than two years from its issuance or anniversary
33 date, the fee shall be prorated on a monthly basis so that each
34 registrant shall pay only that portion of the fee that is
35 allocable to the number of months during which the registration
36 is valid. On each subsequent renewal, the total renewal fee is
37 payable.

1 320.412. The state fire marshal shall not issue a
2 certificate of registration under sections 320.400 to 320.416
3 unless the applicant files evidence of a general liability
4 insurance policy that includes products and completed operations
5 coverage. The limits of insurance coverage required by this
6 section shall be in an amount not less than one million dollars
7 aggregate for all occurrences per policy year. The general
8 liability policy shall be conditioned to pay on behalf of the
9 insured those amounts that the insured is legally obligated to
10 pay as damages because of bodily injury and property damage
11 caused by an occurrence involving the insured or the insured's
12 servant, officer, agent, or employee in the conduct of any
13 business registered under sections 320.400 to 320.416.

14 320.414. 1. The state fire marshal may refuse to issue any
15 certificate of registration or renew any certificate of
16 registration required by one or any provisions of sections
17 320.400 to 320.416 for one or any combination of reasons stated
18 in subsection 2 of this section. The state fire marshal shall
19 notify the applicant in writing of the reasons for the refusal
20 and shall advise the applicant of the right to file a complaint
21 with the administrative hearing commission as provided in chapter
22 621.

23 2. The state fire marshal may cause a complaint to be filed
24 with the administrative hearing commission as provided in chapter
25 621 against the holder of any certificate of registration
26 required by sections 320.400 to 320.416 or any person or
27 organization who has failed to renew or has surrendered their
28 certificate for any one or any combination of the following
29 causes:

30 (1) Use of fraud, deception, misrepresentation, or bribery
31 in securing a certificate issued pursuant to the provisions of
32 sections 320.400 to 320.416;

33 (2) Impersonation of any organization holding a certificate
34 or allowing any person or organization to use his or her
35 certificate;

36 (3) Disciplinary action against the holder of a certificate
37 by another state, territory, federal agency, or country upon

1 grounds for which revocation or suspension is authorized in this
2 state;

3 (4) Issuance of a certificate based upon a material mistake
4 of fact;

5 (5) The person or organization has been finally adjudicated
6 and found guilty, or entered a plea of guilty or nolo contendere,
7 in a criminal prosecution under the laws of any state or of the
8 United States, for any offense reasonably related to the
9 qualifications, functions, or duties of any profession regulated
10 under sections 320.400 to 320.416, for any offense an essential
11 element of which is fraud, dishonesty or an act of violence, or
12 for any offense involving moral turpitude, whether or not
13 sentence is imposed;

14 (6) Incompetence, misconduct, gross negligence, fraud,
15 misrepresentation, or dishonesty in the performance of the
16 functions or duties of the profession that is regulated by
17 sections 320.400 to 320.416;

18 (7) Violation of, or assisting or enabling any person or
19 organization to violate, any provision of sections 320.400 to
20 320.416, or any lawful rule or regulation adopted pursuant to
21 such sections;

22 (8) A person is finally adjudged insane or incompetent by a
23 court of competent jurisdiction;

24 (9) Operating without at least one million dollars in
25 liability insurance coverage.

26 3. After the filing of a complaint pursuant to subsection 2
27 of this section, the proceedings shall be conducted in accordance
28 with the provisions of chapter 621. Upon a finding by the
29 administrative hearing commission that the grounds, provided in
30 subsection 2 of this section, for disciplinary action are met,
31 the state fire marshal may, singly or in combination, censure or
32 place the person or organization named in the complaint on
33 probation on such terms and conditions as the state fire marshal
34 deems appropriate for a period not to exceed five years, or may
35 suspend, for a period not to exceed three years, or revoke the
36 certificate of registration of the person or organization. An
37 individual whose certificate of registration has been revoked

1 shall wait three years from the date of revocation to apply for
2 another certificate. Certification shall be at the discretion of
3 the state fire marshal after compliance with all requirements of
4 sections 320.400 to 320.416 relative to the certification of an
5 applicant for the first time.

6 4. The state fire marshal shall maintain an information
7 file containing each complaint filed with the state fire marshal
8 relating to a holder of a certificate of registration.

9 320.416. 1. Upon proper application by the state fire
10 marshal, a court of competent jurisdiction may grant an
11 injunction, restraining order, or other order as may be
12 appropriate to enjoin a person or organization from holding
13 himself, herself, or itself out as a certified fire sprinkler
14 contractor.

15 2. Any such actions shall be commenced either in the county
16 in which such conduct occurred or in the county in which the
17 defendant resides.

18 3. Any action brought under this section shall be in
19 addition and not in lieu of any penalty provided by law and may
20 be brought concurrently with other actions to enforce sections
21 320.400 to 320.416."; and

22
23 Further amend said title, enacting clause and intersectional
24 references accordingly.